

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BELL SOUTH)	
TELECOMMUNICATIONS, LLC FOR)	
DECLARATORY ORDER REGARDING)	CASE NO.
INTERCONNECTION WITH CENTRAL KENTUCKY)	2015-00227
NETWORK FOR 911/E911 SERVICES TO PUBLIC)	
SAFETY ANSWERING POINTS)	

ORDER

On April 11, 2016, BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky (“AT&T Kentucky”) filed a petition, pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to AT&T Kentucky’s responses to Lexington-Fayette Urban County Government’s Initial Requests for Information (“LFUCG’s First Request”), Item 2, Attachment 3, for an indefinite period. The designated materials for which confidential protection is requested in AT&T Kentucky’s responses to LFUCG’s First Request, Item 2, Attachment 3, is more specifically described as contract provisions and pricing for services contained in a contract between AT&T Kentucky and Louisville/Jefferson County Metro Government for 911 public safety answering point (“PSAP”) equipment and software.

In support of its petition requesting confidential treatment, AT&T Kentucky asserts that the designated materials contain commercially sensitive information that if publicly disclosed would provide competitors that provide services similar to that of AT&T Kentucky with an unfair competitive advantage by giving AT&T Kentucky’s

competitors the ability to tailor their competitive efforts in light of the confidential information. AT&T Kentucky states that the designated materials in its responses to LFUCG's First Request, Item 2, Attachment 3, are generally recognized as confidential and thus exempt from public disclosure pursuant to KRS 61.878(1)(c)(1).

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in AT&T Kentucky's responses to LFUCG's First Request, Item 2, Attachment 3, are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, could result in commercial harm to AT&T Kentucky, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

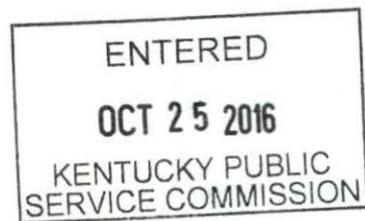
IT IS THEREFORE ORDERED that:

1. AT&T Kentucky's petition for confidential protection for its responses to LFUCG's First Request, Item 2, Attachment 3, is granted.
2. The materials set forth in AT&T Kentucky's responses to LFUCG's First Request, Item 2, Attachment 3, shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. AT&T Kentucky shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, then AT&T Kentucky shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If AT&T Kentucky is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow AT&T Kentucky to seek a remedy afforded by law.

By the Commission



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